

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL J. HASKINS, JR.

§

§

Petitioner Below-  
Appellant,

§ No. 456, 2005

§

§

v.

§ Court Below—Superior Court

§ of the State of Delaware,

STATE OF DELAWARE,

§ in and for New Castle County

§ C.A. No. 05M-08-026

Respondent Below-  
Appellee.

§

§

Submitted: November 2, 2005

Decided: January 18, 2006

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

**ORDER**

This 18<sup>th</sup> day of January 2006, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Carl Haskins, filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. The State of Delaware has filed a motion to affirm the Superior Court's judgment on the ground that it is manifest on the face of Haskins' opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Haskins pled guilty in 1989 to one count of second degree rape. The Superior Court sentenced him to 25 years

at Level V imprisonment. In 2001, he was conditionally released from prison, pursuant to 11 Del. C. § 4348, but was subsequently arrested and charged with violating the conditions of his release. In August 2005, he filed a petition seeking a writ of habeas corpus complaining that he was being illegally detained pending a violation hearing before the Board of Parole. The Superior Court denied the writ, and this appeal followed.

(3) The Superior Court's decision is manifestly correct. Under 11 Del. C. § 4352(b), a defendant charged with violating parole is required to remain incarcerated pending the outcome of the hearing and may not be released on bail. There was no basis to grant a writ of habeas corpus.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice